

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHN DOE,

X

:
: **Civil Action No:**

:
Plaintiff,

:

:
: **DECLARATION OF**
: **JOHN DOE**

:
-against-

:

:
MANHATTAN COLLEGE,

:

:
Defendant.

:

X

Plaintiff, who wishes to proceed under the pseudonym John Doe, (for which a separate application seeking the Court's approval has been filed), hereby declares, subject to the penalties of perjury pursuant to 28 U.S.C. § 1746:

1. I am the Plaintiff in this action and as such, I am fully familiar with the facts and circumstances set forth herein.
2. I matriculated to Manhattan College in Fall 2019, with an expected graduation date of May 2023.
3. When I originally applied to college, I was accepted at several schools, but chose to attend Manhattan College in lieu of other schools of similar caliber.
4. As a Manhattan College student, I relied on the College to comply with the policies and procedures, and all applicable laws, in investigating and adjudicating any claims of misconduct.
5. At the time of my suspension, I was in the process of completing my final three months of my undergraduate education.

6. If not for this suspension, I would have been able to complete my courses and, if I passed, would be awarded my undergraduate degree, having completed all my degree requirements.

7. I have had no contact with the student identified in the Complaint as Jane Roe since September 2022. I have no intention to contact her, directly or indirectly, in the future. Jane Roe no longer attends Manhattan College, and, further, I had been completing my coursework for the Spring 2023 semester remotely prior to my expulsion.

8. The last day of classes for the Spring 2023 semester at Manhattan College is May 5, 2023, with final exams taking place from May 8-13.

9. I have been nominated as a semi-finalist for the Fulbright Scholarship. There are 14 semi-finalists and 10 scholarships awarded. Accordingly, there is a high probability of me receiving this scholarship.

10. The Fulbright Scholarship is contingent on being a student in good standing.

11. If I do not complete my courses this semester, I will not graduate in May 2023 and will not attain my degree. I will therefore lose my opportunity to be awarded the Fulbright Scholarship, and the accompanying post-graduate career and educational opportunities. It is also likely that I would not be nominated for this scholarship again in the future after having failed to complete my degree. And, even if I eventually win on the merits of this case, the delay in attaining my degree will prohibit me from entering the job market and will create a permanent mark on my record that I will forever have to explain to future employers.

12. Because of the heinous nature of the allegations that Jane Roe made against me, and because of Manhattan College's improper process that resulted in finding me responsible for

sexual assault, this finding will forever mark me as a sexual predator and will severely impair any opportunity for me to have a successful future.

13. Jane Roe's false allegations against me, and the process I have had to undergo as a result of her false claims, has caused me considerable anxiety and emotional distress since I was first notified of the claim in September of 2022. I have spent months in perpetual fear that these false allegations could potentially ruin my life and drastically change the course of my entire future.

14. Now that Manhattan College has found me responsible and denied my appeal, all of my worst fears have come true.

15. The extent of my communications and interactions with the student identified as Jane Roe is truthfully and accurately set forth in paragraphs 38-92 of the Complaint filed in this matter.

16. The College's actions, process, and communications in investigating and adjudicating Jane Roe's claims against me, are truthfully and accurately set forth in paragraphs 93-184 of the Complaint.

17. I did not sexually assault Jane Roe. I did not have intercourse with her without consent. We had a brief and consensual sexual encounter.

18. If the court declines to grant this motion for injunctive relief, I will lose the benefit of everything I have worked so hard for over the last four years, and I will lose any chance at moving forward successfully in my life. I will have no degree, no job, and no future prospects.

19. Attached hereto as Exhibit A is a true and correct copy of Manhattan College's Title IX Policy.

20. Attached hereto as Exhibit B is a true and correct copy of the Outcome Letter.

21. Attached hereto as Exhibit C is a true and correct copy of my Appeal without the appendices.
22. Attached hereto as Exhibit D is a true and correct copy of the Initial Appeal Determination.
23. Attached hereto as Exhibit E is a true and correct copy of the email overturning the Initial Appeal Decision and reopening the appeals process.
24. Attached hereto as Exhibit F is a true and correct copy of the February 14, 2023 Second Appeal Determination denying my appeal.

I declare under penalty of perjury that the foregoing statements are true to the best of my knowledge.

Dated: February 28, 2023

John Doe
“John Doe”